



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION
WEDNESDAY, NOVEMBER 16, 2022
AT 6:30 P.M.**

1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the regular meeting of the Upland Planning Commission to order at 6:31 p.m. in the Council Chambers of the Upland City Hall and announced that a portion of this Planning Commission meeting was being conducted pursuant to California Government Code Section 54953, in that Commissioner Marotte was in the state of Colorado and participating by speaker phone.

Chair Aspinall confirmed that in accordance with the Ralph M. Brown Act, each teleconference location, 460 N. Euclid Avenue, Upland, CA 91786 and 34719 Wolf Creek Trail, Kiowa, CO 80117, were identified in the notice and agenda for this meeting.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Staton.

3. ROLL CALL

Present: Chair Aspinall, Vice Chair Grahn, Commissioners Caldwell, Johnson, Marotte, Mayer, and Staton.

Absent: None.

Staff present: Development Services Director and Planning Commission Secretary Dalquest, Planning Manager Farris, Senior Planner Winter, Deputy City Attorney Maldonado, and Administrative Analyst Davidson.

Commissioner Marotte confirmed for the record that she could hear the Planning Commission proceedings; had posted an agenda at her present location; that the location was made reasonably accessible to the public, such that any member of the public could participate in this teleconference from her location; and that no members of the public were present nor requesting to address the Planning Commission from her location.

Chair Aspinall asked the Planning Commissioners located at City Hall to announce whether they have not been able to clearly hear Commissioner Marotte. Hearing no comment, Chair Aspinall stated that all Commissioners present were able to hear Commissioner Marotte clearly.

4. APPROVAL OF MINUTES

It was moved by Commissioner Caldwell, seconded by Commissioner Mayer, and carried on a vote of 7-0, to approve the Regular Minutes of the Planning Commission meeting of October 26, 2022.

5. COUNCIL ACTIONS

Development Services Director Dalquest indicated that the City Council met on November 14, 2022, where they approved five (5) Local Register Mills Act contracts; approved a

temporary lease agreement with Tesla to store vehicles on a city-owned parcel located on 15th Street, west of Campus while tenant improvements are being done to their permanent location; approved a General Plan Amendment and zone change for on 7th Street between 1st Avenue and 2nd Avenue; and approved the Disposition and Development Agreement and Regulatory Agreement with City Ventures for the sale of one (1) acre on A Street and 1st Avenue in which 29 townhomes will be submitted. Development Services Director Dalquest stated the entitlements for this project are anticipated to come before the Planning Commission in 2023 for review.

Chair Aspinall inquired whether the lease with Tesla would improve the traffic and parking issues along 20th Street.

Development Services Director Dalquest stated both will improve, further mentioning that 20th Street is not currently built out to it's ultimate right-of-way and that most of the vehicles parked along 20th street are construction vehicles while Tesla completed their tenant improvements.

6. FUTURE AGENDA ITEMS

Planning Manager Farris reported one future agenda item was anticipated to be heard by the Planning Commission on December 14th meeting; conditional use permit for on-site alcoholic beverage sales with meals as an ancillary component of an indoor virtual golf facility located at 1380 W. 7th Street.

7. ORAL COMMUNICATIONS

Chair Aspinall opened oral communications. There being no remote or in-person speakers, Chair Aspinall closed oral communications.

8. PUBLIC HEARINGS

A. CONTINUED PUBLIC HEARING FOR ZONING CODE AMENDMENT NO. 22-0003 (CONTINUED FROM OCTOBER 26, 2022)

Project Description: Consideration of Zoning Code Amendment No. 22-0003 to amend Upland Municipal Code Section 17.15.080(F) (Advertising Signs and Structures Near Freeways) by increasing the maximum twenty-five (25) foot height allowed for freeway-oriented advertising signs and allow property in the Regional Commercial zoning district that is not adjacent to a freeway to have a freeway-oriented advertising sign. (Staff Planner: Robert D. Dalquest)

CEQA Determination: This Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Guidelines 15061(b)(3), the common sense exemption covering activities with no possibility of having a significant effect on the environment, and State CEQA Guidelines 15311 (Accessory Structures) regarding construction or replacement of minor structures accessory or appurtenant to existing commercial facilities.

Applicant: City of Upland, 460 North Euclid Avenue, Upland, CA 91786

Appeal Period: There is no appeal period, the Planning Commission's decision is a recommendation to the City Council.

Development Services Director Dalquest presented the staff report and highlighted discussion points from the October 26, 2022 meeting, along with a PowerPoint Presentation, which is on file in the Development Services Department.

Discussion points from the October 26, 2022 public hearing include a maximum sign height requirement for freeway adjacent and non-adjacent commercial sites; freeway sign requirements for non-adjacent commercial sites; sign area requirements for a freeway-oriented sign on freeway adjacent and non-adjacent commercial sites; and sign design standards. Additionally, Development Services Director Dalquest clarified from the October 26, 2022 meeting that the calculation of the Upland Freeway sign was incorrectly measured at 500 square feet, but was actually closer to 300 square feet in area.

The Planning Commission asked for clarification regarding the sign height to sign area ratio percentage, panel dimensions, inquired whether a 55-foot sign at the Mountain Green Center would be visible from the freeway and stated varying preferences for the square footage of the signs at Upland Freeway Center and the Mountain Green Center.

Chair Aspinall opened the public hearing.

Rick Batt, Sign Specialists Corporation, indicated that the sample signs provided as example renderings are representative to provide a sense of proportionality rather than style, stated the options they presented were for single-pole signs with the sign off to the side and double-pole signs with the image in the middle, opined that the sign example provided for the Mountain Green Center would have a different function than the other sign examples provided since it is non-freeway adjacent, indicating that the lower signs may be more intended for street visibility whereas the top two (2) tenant signs are designed for freeway visibility.

Molly Snowdon, representative for the landlord of Mountain Green Center, spoke to the benefits of the Mountain Green Center having a freeway visible sign, indicated they are committed to working with staff to design an attractive and appropriate sign but requested that they do not lose any sign panels and prefer to maintain the eight panel signs they currently have.

Dennis Loput, in-house Council for The Abbey Company, spoke to the importance of signage and opined the signs with larger square footage better suits the need of the Upland Freeway Center.

Development Services Director Dalquest stated the larger sign example provided for reference as a sign preferred by the Upland Freeway Center would represent a sign area ratio of approximate 74%.

Commissioner Caldwell asked Mr. Loput whether the businesses in the Upland Freeway Center have wall signs on the rear building elevations, visible from the freeway, and Mr. Loput confirmed that some do.

Brian Martini, representative for landlord of Mountain Green Center, spoke to the benefits of the signs for tenants and expressed that having a freeway visible sign at the Mountain Green Center would help the larger and smaller tenants alike.

TJ Bard, Upland Freeway Center, spoke to the importance of having a larger sign at the Upland Freeway Center because it would allow a smaller local business to have freeway visibility and suggested that a sign with less space would only allow signage for national tenants.

Chair Aspinall asked Mr. Bard to clarify whether a sign area percentage equal to 55% of the overall height of the freeway sign would meet the needs of the Upland Freeway Center.

Mr. Bard indicated that a sign area percentage as low as 50% would not meet their needs and that a sign area percentage of 64% would be preferred to maximize the potential of the sign, however a sign area percentage 55% would be a good middle ground.

The Planning Commission discussed the business credibility afforded by signs that are visible from the freeway; balancing an aesthetically pleasing design with fair and adequate business identification visibility; the adequate height of sign panels for freeway visibility; whether freeway signs for non-adjacent commercial centers were appropriate; and maximum sign height and area requirements.

There being no other remote or in-person speakers, Chair Aspinall closed the public hearing.

After deliberations, the Planning Commission found a common ground with the following modifications to the proposed ordinance, with modification read into the record by Development Services Director Dalquest:

1. Subsections 1, 2, and 3 will replace "finished grade of the parcel for which the sign is located" with "finished grade at the base of the sign" for consistency with subsection 4, as it applies to the overall height of the sign.
2. A maximum sign area for freeway adjacent signs set at 350 square feet and for non-freeway adjacent signs at 450 square feet.
3. A maximum sign area percentage to overall height of the sign set at 60% for both freeway adjacent and non-freeway adjacent signs.

It was moved by Commissioner Staton, seconded by Commissioner Marotte, and carried on a vote of 5-2, with Vice Chair Grahn and Commissioner Caldwell opposed, to approve a resolution recommending that the City Council approve Zoning Code Amendment No. 22-0003, as amended.

B. CONDITIONAL USE PERMIT NO. 22-0002 AND DEVELOPMENT PLAN REVIEW NO. 22-0004.

Project Description: Consideration for an 871 square foot drive-through Dutch Bros. coffee shop within the commercial/residential mixed-use (C/R-MU) zone located at 887 W. Foothill Boulevard, APN: 1045-602-32. (Staff Planner: Joshua Winter)

CEQA Determination: This project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, Class 3 (c), of the California Environmental Quality Act, which applies to a

restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 10,000 square feet in floor area and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Applicant(s): Kimberly Raden, NCARB, Armet Davis Newlove & Associates, 1330 Olympic Blvd., Santa Monica, CA 90404

Appeal Period: The Planning Commission decision is final. An appeal period to contest this decision runs from November 16, 2022 to November 28, 2022.

Senior Planner Winter presented the staff report along with a PowerPoint Presentation which is on file in the Development Services Department.

The Planning Commission inquired about the elimination of the frontage road along Foothill Boulevard; asked about the box size of the proposed trees and recommended mature species; inquired how many versions of the site plan were reviewed before this was brought to the Planning Commission; expressed concerns with the site plan, layout, and queuing; expressed concerns with the Lantana plant species; inquired about ingress and egress to the site; questioned the circulation pattern and potential traffic concerns if a vehicle turns right after exiting the drive thru; and inquired about the pedestrian path of travel and suggested an alternative route.

Development Services Director Dalquest replied the elimination to the frontage roads along Foothill Blvd is a policy in the Circulation Element of the General Plan to incorporate them into future developments. Additionally, he stated that staff has reviewed three (3) different site plans and spoke to the different variations and why the site plan presented is the best design. Further, he commented that a stop sign and crosswalk striping could be added to mediate traffic concerns near the drive thru entrance as vehicles exiting the drive thru turn right.

Senior Planner Winter addressed questions regarding street vacations and encroachment license permits regarding the elimination of the frontage road; stated that additional landscaping was required to help provide a buffer the drive-thru lane from the street; and stated a condition could be added to have Public Works re-evaluate and re-establish a better sidewalk path.

Chair Aspinall opened the public hearing.

Kimberly Raden, Applicant, stated that Dutch Bros has traffic control team present during their grand opening and stated they are agreeable to the addition of the stop sign.

Chair Aspinall asked Ms. Raden if she is agreeable to add the proposed conditions including 24" box trees, working with staff to revise the walk path, and the addition of a stop sign and crosswalk striping.

Ms. Raden accepted the new conditions.

There being no other remote or in-person speakers, Chair Aspinall closed the public hearing.

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It was moved by Commissioner Mayer, seconded by Commissioner Staton, and carried on a vote of 6-1, with Commissioner Caldwell opposed, to approve Conditional Use Permit No. 22-0002 and Development Plan Review No. 22-0004, as amended.

9. BUSINESS ITEMS – None.


10. PLANNING COMMISSION COMMENTS – None.

11. ADJOURNMENT

It was moved by Commissioner Johnson, seconded by Commissioner Mayer, and carried on a vote of 7-0 to adjourn the meeting.

At 8:32 p.m., Chair Aspinall adjourned the meeting. The next regularly scheduled Planning Commission meeting is Wednesday, December 14, 2022.

SUBMITTED BY



Robert D. Dalquest, Secretary

APPROVED

December 14, 2022